

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

UNITED STATES OF AMERICA, Plaintiff, vs. GEORGE DULL KNIFE and KIMBERLEE PITAWANAKWAT, a/k/a "Stormy," Defendants.	CR. 20-50122-JLV ORDER SETTING TRIAL DATE AND RELATED MATTERS
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READ THIS ORDER – DEADLINES HAVE CHANGED

Defendant Pitawanakwat moves for a continuance. The government has no objection. The court finds that the ends of justice served by continuing this trial outweigh the best interests of the public and the defendants in a speedy trial insofar as defense counsel has made known to the court that additional time is needed to receive and review audio discovery. Therefore, it is

ORDERED that defendant's motion is granted and the following deadlines shall apply:

Suppression/voluntariness motions	February 16, 2021
Responses to motions due	Within seven days after motion is filed
Subpoenas for suppression hearing	Ten days prior to suppression hearing
Suppression/voluntariness hearing before Judge Daneta Wollmann ¹	If necessary, to be held prior to March 2, 2021

¹If a suppression hearing is set, an order will be entered vacating all subsequent dates to allow the court time to resolve the motion. Upon resolution of the motion, a new scheduling order will be entered.

Applications for Writ of Habeas Corpus Ad Testificandum	March 5, 2021
Other motions/continuance motions	March 5, 2021
Responses to motions due	Within seven days after motion is filed
Produce all records, recordings and reports associated with Fed. R. Evid. 412, 413 and 415 and experts under Rule 702	March 5, 2021
Subpoenas for trial	March 12, 2021
Plea agreement or petition to plead and statement of factual basis	March 12, 2021
Notify court of status of case and file a joint notice of speedy trial calculation	March 12, 2021
Motions <i>in limine</i>	March 12, 2021
Proposed jury instructions due	March 12, 2021
File <u>Daubert</u> ² challenges to experts	March 12, 2021
Response to motions <i>in limine</i> and proposed jury instructions due	March 17, 2021
<u>Daubert</u> hearing, if needed	Monday, March 22, 2021 at 9 a.m.
Pretrial conference	Monday, March 22, 2021 at 9 a.m.
Jury Trial	Tuesday, March 30, 2021 at 9 a.m.

IT IS FURTHER ORDERED that no continuances will be granted without a showing of exceptional circumstances.

The parties are instructed that:

²Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579, 592 (1993).

1. Proposed jury instructions with citations to authority shall be filed by **March 12, 2021**. Submit only substantive instructions pertaining to the law of the case; do not submit standard or boilerplate instructions. Proposed instructions shall be numbered and shall contain a table of contents.
2. The court will provide to the parties by e-mail the proposed preliminary jury instructions prior to the pretrial conference. Any objections to the proposed preliminary instructions shall be raised during the pretrial conference.
3. Counsel shall provide to the Clerk of Court but not file exhibit and witness lists by **noon the Friday prior to the pretrial conference**. These lists will not be disclosed to the opposing party.
4. By **noon the Friday prior to the pretrial conference** counsel shall provide to the court copies of exhibits to be introduced at trial.
5. Counsel shall contact the Clerk of Court five (5) business days prior to trial for instruction on the use of courtroom technology, if needed.
6. Counsel may make a motion requesting a copy of the jury list five (5) days in advance of an upcoming trial.

The period of delay resulting from this continuance is excluded in computing the time within which the trial of the case must commence. 18 U.S.C. § 3161(h)(7)(A).

All other provisions of the court's scheduling and case management order (Docket 30) remain in effect unless specifically changed.

Dated December 11, 2020.

BY THE COURT:

/s/ *Jeffrey L. Viken*

JEFFREY L. VIKEN

UNITED STATES DISTRICT JUDGE